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HUMAN RIGHTS QUESTIONS

Suppression of the traffic in persons and of the exploitation of the prostitution of others

Report of the Secretary-General

SUMMARY

The Economic and Social Council, in resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, made a number of recommendations to Member States on that subject. Among the recommendations were the ratification of international instruments and the adoption of measures aimed at preventing prostitution, increasing the number of women in the State's personnel having direct contact with the populations concerned, eliminating discrimination against prostitutes and facilitating their reabsorption into society, curbing the pornography industry and punishing all forms of procuring. Requests regarding those issues were also made to organs and organizations of the United Nations system. At the Council's request, the Secretary-General reported on the implementation of resolution 1983/30 to the Council at its first regular session of 1985 (E/1985/46), first regular session of 1990 (E/1990/33), first regular session of 1991 (E/1991/18) and substantive sessions of 1992 (E/1992/49 and Add.1 and 2) and 1993 (E/1993/61 and Add.1).

The Council, in resolution 1993/48 requested the Secretary-General to submit a further report to it in 1994, on the steps taken to implement the recommendations contained in Council resolution 1983/30 by those member States, United Nations organizations and other intergovernmental organizations that had not yet submitted such information. The present document contains information submitted pursuant to that request.

* E/1994/100.

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INTRODUCTION

1. In paragraph 3 of its resolution 1993/48 on the suppression of the traffic in persons, the Economic and Social Council requested the Secretary-General to submit a further report to the Council in 1994, on the steps taken to implement the recommendations contained in Council resolution 1983/30 by those Member States, United Nations organizations and other intergovernmental organizations that had not yet submitted such information.

2. In paragraph 4, the Council also requested the Secretary-General to continue to include in that report, or to make available to the Council in some way, information on activities of the supervisory bodies of the International Labour Organization regarding the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery.

3. In paragraph 6, the Secretary-General was further requested to include in that report information on any operational activities of the United Nations system that could foster the implementation of standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery and activities that might be geared to the prevention of violations and alleviation of the plight, or rehabilitation of victims.

4. Pursuant to that resolution, the Secretary-General, on 11 April 1994, addressed requests to Governments, United Nations organs, specialized agencies and intergovernmental organizations concerned for information on the steps taken to implement the recommendations in Council resolutions 1983/30 and 1993/48.

5. By 1 June 1994, replies had been received from the following States: Cyprus and Estonia.

6. Replies were also received from the Committee on the Elimination of Discrimination Against Women (CEDAW), the Crime Prevention and Criminal Justice Branch and the Division for the Advancement of Women of the United Nations Secretariat, the International Organization for Migration and the League of Arab States. The Department of Humanitarian Affairs of the United Nations Secretariat, the United Nations Development Programme and the Organization of American States indicated that they had no information to submit on the matter.

7. The present report has been prepared pursuant to paragraphs 3, 4 and 6 of Council resolution 1993/48 and contains a summary of the substantive replies received.

8. The Secretary-General deems it appropriate to refer also to his previous reports on the implementation of Economic and Social Council resolution 1983/30 (documents E/1985/46, E/1990/33, E/1991/18, E/1992/49 and Add.1-2 and E/1993/61 and Add.1), which were submitted to the Council at its first regular sessions of 1985, 1990 and 1991 and at its substantive sessions of 1992 and 1993. As indicated in those reports, a number of countries (Argentina, Austria, Barbados, Belgium, Brunei Darussalam, Burkina Faso, Chad, Chile, China, Colombia, Cuba, former Czechoslovakia, Dominica, the Dominican Republic, Greece, El Salvador,

Finland, Gabon, Germany (former Federal Republic of), Guinea, Iraq, Jordan, Latvia, Madagascar, Mexico, the Netherlands, Norway, Pakistan, Poland, Portugal, Qatar, Rwanda, Saint Vincent and the Grenadines, San Marino, South Africa, Suriname, Tunisia and former Yugoslavia) had submitted information in connection with Council resolution 1983/30. Substantive replies on the subject had also been received from the Department of Public Information and the Division for the Advancement of Women of the United Nations Secretariat, the Economic Commission for Africa, the Economic and Social Commission for Asia and the Pacific, the Economic Commission for Latin America and the Caribbean, the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the World Health Organization, the United Nations Interregional Crime and Justice Research Institute, the Commission of the European Communities, the Council of Europe, the European Parliament, the Organization of American States, the World Tourism Organization and Interpol. The information contained in those replies was transmitted to the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities for consideration at its tenth, eleventh, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth sessions.

9. Any additional replies will be issued as addenda to the present report.

I. INFORMATION RECEIVED FROM STATES

A. Cyprus

[Original: English]

[10 August 1993]

General comments

1. Under the Aliens and Immigration Laws Cap 105 and the relevant regulations made under those laws, all aliens residing in the Republic of Cyprus enjoy equal treatment without any discrimination as to sex, colour, race, religion or nationality. Furthermore, all aliens working in Cyprus are employed under the same conditions as the locals and share their high standard of living.

2. Under paragraph 6 (1) (e) of the Aliens and Immigration Laws, any alien who is a prostitute or who is living on the proceeds of prostitution is a prohibited immigrant.

3. The Migration Department of the Ministry of the Interior and the Aliens and Immigration Branch of the Police, which are the appropriate authorities for the grant of residence permits and the control of aliens respectively, are taking all necessary measures so that aliens in Cyprus, particularly women, are not exploited sexually or in any other way.

Steps taken to implement the recommendations contained in resolution 1983/30

4. Paragraph 1. The Government of Cyprus has ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in its Law No. 57/83.

5. Paragraph 3 (c). The elimination of discrimination against women is an integral part of government policy, especially since 1985, when the Government of Cyprus ratified the Convention on the Elimination of All Forms of Discrimination Against Women in its Law No. 78/851, which since then has provided the general framework for government policy in the field of women's issues.

6. In order to pursue the implementation of the provisions of the Convention various legal and other measures have been promoted, including:

(a) The reform and modernization of Family Law with a view to inter alia, incorporating the principle of equality between women and men in that field of law and bringing domestic law into line with the provisions of relevant international conventions;

(b) The enactment of the Laws on the Protection of Maternity (Law No. 54/87) and on Equal Pay for Work of Equal Value (Law No. 158/89);

(c) The establishment of national women's machinery (the Permanent Central Agency for Women's Rights) to promote, coordinate and monitor the implementation of programmes and activities aiming at eliminating de jure and de facto discrimination against women;

(d) The launching of information and sensitization campaigns for equality between women and men aimed at changing the overall mentality of people and eliminating prejudices against women.

7. All measures and policies that aim to improve the socio-economic status of women contribute at the same time to the prevention of prostitution by helping women to become independent and therefore resistant to the various forms of exploitation, including prostitution.

8. Paragraph 3 (f). In Cyprus, vocational and training programmes specially designed for women have been introduced, including special basic skills training covering the existing needs of local industry, sponsored mainly by the Industrial Training Authority, and programmes encouraging older women to enter or re-enter economic activity. Those programmes have not been designed especially for persons rescued from prostitution but are open to all interested women.

B. Estonia

[Original: English]

[16 May 1994]

1. In paragraph 1 of its resolution 1983/30, the Council called upon member States to sign, ratify and implement the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. To date, Estonia is not a party to that Convention.

2. In paragraph 2, the Council invited member States to sign, ratify and implement the International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications as amended by a Protocol. Estonia acceded to that Convention, on 10 March 1936.

3. In paragraph 3 (d), the Council urged States to curb the pornography industry and the trade in pornography and to impose severe penalties where minors are involved. According to article 200 of the Criminal Code of Estonia, it is a crime to distribute and display publications that are pornographic in their content or that propagate violence and cruelty among minors, or to make them accessible to minors in any other way; the crime is punishable by a fine, arrest or imprisonment for up to two years.

4. In paragraph 3 (e), the Council urged States to punish all forms of procuring. According to article 202 of the Criminal Code, it is a crime to entice minors to crime or prostitution. It is a crime to entice a minor to prostitution or to exploit the prostitution of a minor; the crime is punishable by a fine, arrest or imprisonment for up to five years.

II. INFORMATION SUBMITTED BY UNITED NATIONS BODIES AND INTERGOVERNMENTAL ORGANIZATIONS

A. Committee on the Elimination of Discrimination Against Women

[Original: English/Spanish]

[22 May 1994]

1. With respect to the traffic in women and exploitation of prostitution, which States parties commit themselves, in article 6 of the Convention on the Elimination of All Forms of Discrimination against Women, to take all appropriate measures, including legislation, to suppress, particular importance should be attached to the repeated proposals put forward by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) concerning the dissemination of the provisions of the Convention, to the recommendations of CEDAW, especially No. 19, and to the reports of States parties. No article of the Convention, in particular article 6, can be effectively applied without taking into account all the others; as a result, it is essential to the elimination of the exploitation of women for prostitution and the traffic in

women that the entire United Nations system contribute to the dissemination and application of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the recommendations of CEDAW.

Violence and traffic in women

2. The information provided by States parties regarding the application of article 6 of the Convention has served as a basis for the inclusion of a specific commentary on this article in CEDAW recommendation No. 19. The Committee feels that traffic in women and the exploitation of women for prostitution are acts of violence against them and that such traffic and exploitation make women especially vulnerable to other forms of violence.

3. The text of this commentary reads as follows:

"Article 6

"13. States parties are required by article 6 to take measures to suppress all forms of traffic in women and exploitation of the prostitution of women.

"14. Poverty and unemployment increase opportunities for trafficking in women. In addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse.

"15. Poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence.

"16. Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures" (A/47/38, chap. I).

4. Among the concrete recommendations of CEDAW to States parties, all of which are useful for the elimination of violence against women in any form, two are specifically related to the exploitation of women for prostitution and the traffic in women:

"(g) Specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation;

"(h) States parties in their reports should describe the extent of all these problems and the measures, including penal provisions and preventive and rehabilitation measures, that have been taken to protect

women engaged in prostitution or subject to trafficking and other forms of sexual exploitation. The effectiveness of these measures should also be described" (A/47/38, chap. I, para. 24).

5. The Committee feels that it is very important for States parties to provide information not only on the prevailing legislation in each country, but also on the effectiveness of such legislation. To this end, States parties should provide, as far as possible, quantitative and qualitative information on individuals who practise trafficking in women and exploit them for prostitution, and also on their victims.

6. At its most recent session, the Committee also expressed the view that CEDAW recommendation No. 19 on violence against women should be taken into account in the mandate and activities of the Special Rapporteur on violence against women to be designated by the Commission on Human Rights.

Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women

7. At its most recent session, the Committee also adopted suggestion No. 5, which proposes that the Commission on the Status of Women request the Secretary-General of the United Nations to convene an expert group meeting to prepare a draft optional protocol to the Convention, as recommended by the World Conference on Human Rights. The expert group meeting would consider the contents of such a protocol, which should take into account, in particular, article 6 of the Convention, since it is clear from the reports submitted by the States parties to the Convention that, despite legal prohibition, the traffic in women and the exploitation of women for prostitution exist throughout the world. Women victims of such traffic and exploitation form one of the groups most vulnerable to the violation of human rights at both the national and the international level.

Poverty, development and the traffic in women

8. Finally, in view of the interrelationship of poverty, the traffic in women and the exploitation of women for prostitution, it is important to bear in mind CEDAW suggestion No. 6, concerning women's contribution to the International Conference on Population and Development:

"Suggestion 6. International Conference on Population and Development

"The Committee on the Elimination of Discrimination against Women,

"Bearing in mind that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

"Recalling that the Convention on the Elimination of All Forms of Discrimination against Women states that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

"Recalling also that the International Conference on Population and Development, to be held at Cairo from 5 to 13 September 1994, is being held at a time when profound political, economic, social and cultural changes are taking place and when it is being recognized that the role of both men and women is the central force in sustainable development, that women constitute the majority of the world population and that the interdependence of their status with economic growth, the elimination of poverty, sustainable development and population issues,

"Noting that in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, it is stated that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community, 5/

"1. Reiterates the provisions of the Convention on the Elimination of All Forms of Discrimination against Women bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children;

"2. Further reiterates that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole;

"3. Reaffirms that women should have, on the basis of equality, the same rights as men to decide freely and responsibly on the number and spacing of their children and to have access to complete information on alternative forms of safe family planning methods and services, including education and means to enable them to exercise these rights;

"4. Notes that there is a vicious cycle of women's illiteracy, poverty, high fertility rates and discrimination in formal and informal employment, as well as an interrelation of these issues with population and development issues, and that due attention must therefore be given to this interdependence in any population and development policies as well as to allowing women equal participation in the relevant governmental and non-governmental decision-making processes;

"5. Reaffirms the objective of the International Conference on Population and Development to raise the quality of life for all people, notably through the guarantee of human rights, the alleviation of poverty, the creation of employment in the formal sector and protection and access to social benefits of women working in the informal sector and the improvement of health, education, nutrition and housing, and considers that, as women are generally the poorest of the poor, eliminating social, cultural, economic and political discrimination against women is a

prerequisite for attaining the human rights of women and for enhancing the quality of life of the people, as well as reducing poverty, promoting economic growth and achieving sound population policies;

"6. Recognizes that, in view of the increase in the number of female-headed households who are among the poorest sectors of the population, special measures should be carried out to provide for the special needs of female-headed families and that due attention should be paid to them in all aspects of population and development;

"7. Strongly emphasizes that one of the main objectives of the Conference is to eliminate discrimination against the girl child and increase public awareness of her value as a human being, both before and after her birth; to eliminate the root causes of preferences for sons; to strengthen the girl child's self-image and self-esteem and improve the status of the girl child, especially with regard to health, nutrition and education, and to raise the minimum age of marriage of girls to 18;

"8. Takes note of the economic contribution of women's domestic work and other non-remunerated work, as well as the product of their functions in the informal sector, and considers that due attention should be paid to the recognition of the value of that work in research and in calculating gross national product, which forms the basis of development and population policies and programmes, and to the necessity of eliminating all discriminatory practices impeding women's work in those areas when formulating development and population policies;

"9. Recommends that, in the formulation of sustainable development policies, particularly for poor rural and urban areas, the needs and tasks of women, and their impact on natural resources, should be recognized and that women should participate in governmental and non-governmental decision-making processes on these issues on equal terms with men;

"10. Notes that the severe economic situation facing many nations, both developed and developing, as well as structural adjustment programmes and the concomitant reduction in social programmes, have serious implications for the people;

"11. Also notes that those implications occur particularly at the grass-roots level, where women who comprise the majority suffer disproportionately from the transition and adjustment periods;

"12. Calls for appropriate measures to be carried out by Governments and international organizations and financial institutions to alleviate the burden imposed in the life of men and women and their families in this respect." (A/49/38, chap. IB)

B. Crime Prevention and Criminal Justice Branch

[Original: English]

[16 May 1994]

1. A draft resolution was recommended by the Commission on Crime Prevention and Criminal Justice at its third session for adoption by the Economic and Social Council, namely resolution III, entitled "Criminal justice action to combat the organized smuggling of illegal migrants across national boundaries". The Commission also adopted resolution 3/1, entitled "Violence against women and children", and 3/2, entitled "International traffic in minors".

2. A workshop on the prevention and control of domestic violence in central and eastern European countries was held in Budapest from 8 to 9 April 1994. The event was organized jointly by the European Institute for Crime Prevention and Control, which is affiliated with the United Nations, and the Ministry of Justice of Hungary.

3. Strategies for Confronting Domestic Violence: A Resource Manual, prepared with the generous support of the Government of Canada, will shortly be issued as a United Nations publication.

C. Division for the Advancement of Women

[Original: English]

[23 May 1994]

1. In connection with paragraph 6 of Economic and Social Council resolution 1993/48, the Division for the Advancement of Women of the United Nations Secretariat, referred to the action taken by the Commission on the Status of Women, in particular Commission resolution 38/3, entitled "Elimination of violence against women", and 38/7, entitled "Violence against women migrant workers". (E/1994/27, chap. IC)

D. International Organization for Migration

[Original: English]

[30 April 1994]

1. During the past year, activities undertaken by the International Organization for Migration (IOM) to combat the traffic in persons have expanded dramatically. Given the IOM mandate, migrants are the focus of its anti-trafficking efforts, some of which are described below.

2. Voluntary return programmes. IOM has organized on an ad hoc basis the voluntary return home of several groups of trafficked migrants who, after detention by authorities as clandestine entrants, opted to return home. IOM is

currently in the process of refining and funding an ongoing project to organize the voluntary return of funding an ongoing project to organize the voluntary return of trafficked migrants from transit and destination countries, they may be stranded, detained or otherwise in distress.

3. Conferences. In July 1993, IOM organized an informal exchange of views on migrant trafficking at which countries of origin, transit and destination were represented, along with IOM and UNHCR. Discussion focused on the nature of migrant trafficking and on new and existing policies to combat those flows. At the moment, IOM is organizing its Eleventh Seminar on Migration, to be held 26-28 October in Geneva, on the theme "International response to trafficking in migrants and safeguarding of migrant rights". Three aspects of migrant trafficking are particularly troubling to the governments concerned: (a) the associated violations of human rights and dignity; (b) the social and economic implications of disorderly immigration; and (c) linkages to organized crime. The seminar aims to broaden and deepen understanding of those issues and to make recommendations for practical cooperation among States to more effectively combat migrant trafficking.

4. Information dissemination. IOM has begun publishing a quarterly bulletin, Trafficking in Migrants, which compiles news on migrant trafficking from the media, Governments and intergovernmental and non-governmental organizations. The bulletin serves as a forum in which information on incidents, trends and policies can be exchanged and publicized.

E. League of Arab States

[Original: Arabic]

[18 May 1994]

We should like to inform you that the subject of "suppression of the traffic in persons" has been dealt with by our Arab States in their national legislations, since the majority of these are derived from the Islamic Shariah which forbids traffic in persons and calls for the elimination of this phenomenon for the punishment of the perpetrators.

The General Secretariat of the League of Arab States (Department of Legal Affairs) considers that the best method of combating this crime is to lay down legislation prohibiting traffic in persons and the exploitation of the prostitution of others and to promote awareness of the atrocity of traffic in persons and its evil consequences through education and the information media.

Mechanisms should be put in place to prohibit and punish such actions.

States shall be urged to act promptly to implement resolution 1994/48 referred to above as soon as possible because of its importance in eliminating the phenomenon of traffic in persons.